

35 U.S.C. § 112, First Paragraph Rejection:

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner states that claims 1 and 2 are *single means* claims reciting only a controller. The Examiner further states that “the claims covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most covers only those means known to the inventor.”

Applicants are unclear as to this rejection. As such, Applicants wish to discuss this rejection during the Examiner’s Interview scheduled for April 12, 2004. Applicants note that the term “means” has a particular interpretation under 35 U.S.C. § 112, paragraph 6, and that claims 1 and 2 are not written in means plus function form.

It appears that the Examiner is reciting and applying the case law discussed in MPEP 2164.08(a), since this section discusses “single means” claims and also cites *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983), which the Examiner quotes as providing that “the specification disclosed at most covers only those means known to the inventor.” The Examiner will note upon reading *In re Hyatt*, that the finding of the Federal Circuit quoted by the Examiner related to a means plus function limitation. As such, Applicants submit that the rejection is improper, and requests that it be withdrawn.

35 U.S.C. § 112, Second Paragraph Rejection:

Claims 1- 11 stand rejected under 35 U.S.C. § 112 , second paragraph, as

being indefinite. The Examiner states that claim 1 is vague and indefinite alleging that the preamble calls for transmitting data cells of packets in sequence; however no element for transmitting data cells is found in the body of the claim so as to define the apparatus that performs the operation cited in the preamble.

Applicants respectfully traverse this rejection. Applicants note that in the present invention, at the start of transmitting CBR data cells with new VC information, a processor 6 writes enough required PD (Packet Descriptor) and packet data in a data buffer 4. In the data buffer 4, the processor 6 also writes the VC information, which is added to an additional link list 22 in the control memory 2.

A cell control unit 3 correlates (links) the above VC with a shaper link list 21. Then, a controller 31 reads the correlated PD and packet data. This reading step equates to the transmitting of the data cells. At the next transmitting step of data cells, required PD and packet data should be renewed (rewritten). Thus, the shaper link list 21 and the additional link list are prepared for each CBR transmitting rate. In one embodiment of the present invention, these link lists are only one pair because the transmitting rate is only one. However, if plural transmitting rates are required, the pair of link lists can also be plural. Applicants refer the Examiner to the specification at page 5, line 3 - page 7 line 12 for a discussion of this transmission.

The Examiner also stated that in claims 1, 3, 10 and 11, it was not clear what was meant by "head data cells" of the data packets. Applicants note that a description of head data cells is provided in the present specification and submit the following comments for the Examiner's understanding. In the present invention, transmitting data is handled as the unit of the PD and the packet. The packet is divided into the plural data. The payload (48 bytes) of an ATM cell is

stored with each plural data. The ATM cells are transmitted into the ATM network. Each divided packet data is termed a "data cell."

When the first data cell is transmitted, the PD should be read before reading of the data cell. This special handling is required for the first data cell. Thus, the first data cell is called the "head data cell".

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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